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29.07.2024
Ct. No.02
NB

HIGH COURT AT CALCUTTA
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction

WPA 1461 of 2024

Samiran Maitra & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Anindya Lahiri,
Ms. Suman Sehanabis.
...for the petitioners.

Mr. Hirak Barman,
Mr. Bikash Singh.
...for the State.

Mr. Deborshi Dhar
...for DPSC, Cooch Behar.

Affidavit of service filed on behalf of the petitioners is taken on record.

Deficit court fees, if any, shall be paid by the petitioners by tomorrow i.e., 30th July, 2024.

The petitioners have prayed for granting "A" category pay scale to the petitioners from the last date of examination i.e., 16.03.2019. They have not been given "A" category pay scale.

Learned counsel appearing on behalf of the petitioner relies on orders passed in this regard in WPA 10975 of 2024, WPA 11635 of 2024, WPA 16023 of 2024, WPA 7713 of 2024 and WPA 11299 of 2024. He also places reliance on notification dated 04.03.2013 passed by

the Joint Secretary, School Education Department (Elementary Education Branch).

It appears that the petitioners are primary school teachers who did not have the particular qualification to attain “A” category status at the date of appointment. However, subsequently, they underwent necessary training. Therefore, they would be entitled to “A” category status. The concerned respondent shall take necessary steps in this regard.

The petitioners’ contention also derives support from the notification of the Government issued on 04.03.2013.

Reliance has also been placed on decisions in this regard passed by a Coordinate Bench of this Court.

In view of the above, it appears quite settled that a person is deemed to have been qualified from the last date of examination in the event, he succeeds in the same.

In view of the above, let the petitioners be granted “A” category pay scale after the last date of examination i.e., from 17th March, 2019 onwards.

Let the arrears be paid to the petitioners within two months from the date.

The writ petition is accordingly disposed of.

Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)